

**Public Meeting
September 4, 2001**

Chair Karolin Loendorf called the meeting to order at 9:00 a.m.

Commissioners Mike Murray and Anita Varone were present. Others attending all or a portion of the meeting included Ron Alles, Carole Byrnes, Jerry Grebenc, Sharon Haugen, Frank Rives, K. Paul Stahl, Audra Zacherl, Robert Hudnall, Loren Gustafson, Michael Murphy, Carl Suurendonk, and Carole Byrnes.

Minutes. There were no minutes to approve.

Auditor's Invoice Report. Audra Zacherl presented 589 invoices for payment in the total amount of \$202,363.15. The invoices are available for inspection in Room 345 or on the Internet.

Proposed Subdivision, Summary Review to be known as Richland Towers No. 2 Minor. (cont. from 8/28/01). The Commissioners will consider creating one space for lease for a communication tower site (100'x100'). The tract would be developed for one space for lease for a 190-foot high, self-supported communication tower. The lease space would be enclosed by a six-foot high, chain link security fence. The parcel is currently developed with a single family home, an on-site water well, an on-site wastewater treatment system and utilities. No services would be required for this development. Access to the lease parcel would be from Interstate 15, connection to the South Recreation Road and then via an existing jeep trail. Road construction and an approach permit would be required to access the site. The proposal is located in the SE1/4 of Section 21, T14N, R4W; generally located south of Wolf Creek and east of Frontage Road.

Commissioner Loendorf stated that this proposal was postponed to a later date, but since it has been legally advertised for this day, it must remain on the agenda.

Jerry Grebenc recommended rescheduling the hearing for September 11, 2001. At the last hearing of the cell towers, it was left up to the discretion of the applicant to select a date before October 5, 2001 when the review period expired for the Richland Towers No. 3. Commissioner Murray indicated that the preference of the Board was to hear both tower proposals at the same time.

Mike Murphy, 2401 Recreation Road South, Wolf Creek. Mr. Murphy stated he and his wife strongly oppose this proposal at this site because of the adverse effect to their property and health. Further testimony by Mr. Murphy will be provided after a new date is set.

Commissioner Murray recommended that the Planning Department contact the applicant and a new date be set by Thursday, September 6, 2001 at the Public Meeting. Mr. K. Paul Stahl said the hearing was set for today and a date must be set along with a time and place for the hearing today.

Commissioner Murray asked moved that the Commission table this hearing to October 2, 2001 at 9:00 a.m. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Deerfield Acres. (cont. from 9/28/01). The applicant proposes to create one 27.66-acre tract and one ten-acre tract. The applicant proposes to subdivide the parcel to provide the ten-acre tract for the Rocky Mountain Church of Christ. The ten-acre tract would be a non-residential subdivision and subject to review under the non-residential subdivision regulations. The ten-acre tract would be served by an individual on-site wastewater treatment system and utilities. The 27.66-acre tract has a single-family residence, an individual wastewater treatment system and utilities, and it may be further subdivided in the future. Access to the lots would be from Colonial Drive Extension and Deerfield Lane. The proposal is in the NW1/4 of Section 3, T9N, R3W and generally located on Colonial Drive, southeast of Hunters Point. The applicant, Marvin Howeth, Sr., was present and indicated his willingness to proceed. Frank Rives presented the staff report. The county portion of Colonial Drive Extension is not maintained and not constructed to county road design and standards. Tract 4A is bisected by Deerfield Lane which is an internal access road. The applicant would need variances for these two conditions. Stated staff could not recommend approval since the proposed subdivision is not in accordance with the subdivision regulations. However, the submittal of the necessary variance forms that would remedy staff's inability to recommend approval contingent on the findings of the conditions were contained in the staff report, specifically: (1) the private access easement was abandoned; and (2) the road is completed to the subject property.

Marvin Howeth, Sr., 2215 Deerfield Lane stated the proposed right-of-way has already been designated and filed with the Clerk and Recorder.

Mr. Rives stated the survey presented by Mr. Howeth may alter the 10-acre tract so it would not access the recorded private access easement. The frontage road is currently under construction in Jefferson County. This would only remove the need for the variance for the double frontage lots.

Mr. Howeth has a copy of a document that the property owners have signed to move the right-of-way to Interstate 15 and to vacate the private access through the property. He does not feel the variances are applicable.

Mr. Rives stated this document has not been filed or recorded at this time.

Hearing no public comments, the Chair closed this portion of the hearing. Commissioner Murray moved that the Commission render a final decision Thursday, September 6, 2001. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Summary Review, Holter View Tracts 8 Minor. The applicants propose to create two lots, each for one single-family dwelling. The proposal is generally located on Holter Lake off of Beartooth Road. Mark Leo was present representing the applicants, Joe McMenemy and Paul McMenemy, and indicated his willingness to proceed. Michael McHugh presented the staff report. There is no zoning in this area and covenants are proposed. Staff's main concern is the access from Beartooth Road which is being maintained by a county RID to improve the road to a 24-foot wide standard. Because of the slopes and curves this presents some traffic safety hazards. The existing approach is located in the middle of the S-curve. To mitigate this hazard, a platform or landing would need to be constructed at no more than a 3% grade. Staff has also recommended that hard surface aprons be installed for both approaches. The subject property is located within the Wolf Creek/Craig FSA. The fire district has recommended that the subject proposal comply with the Wolf Creek/Craig FSA standards on fire protection for subdivision and individual lots, a copy of which is attached to the staff report. This area has a high to severe wildfire potential. The Soil Conservation District would require a sedimentation and erosion control plan to be submitted to the district. A 310 permit would also be required if work is done near the streambed. The current ratio is 7:1 for lot width and does not comply with county standards of 3:1. The applicants have submitted a variance request from the maximum length to width ratio. Staff recommended approval of the proposal subject to 12 conditions as outlined in the staff report.

The Commission recessed and reconvened at 10:22 a.m.

Mark Leo. Mr. Leo had no comment and indicated he was in agreement with the conditions of approval.

Hearing no public comments, the Chair closed this portion of the hearing. Commissioner Murray moved that the Commission render a final decision Thursday, September 6, 2001. Commissioner Varone seconded the motion and it carried unanimously.

Request for a One-Year Extension of Preliminary Plat Approval for the Lowe Tracts, Lot 13B-2 Minor Subdivision. Ms. Sharon Haugen reported that the applicants have shown due diligence and staff recommended approval of a one-year extension. Commissioner Varone moved that the Commission grant the one-year extension. Commissioner Murray seconded the motion and it carried unanimously.

Department of Commerce (Board of Investment) Intercap Loan Closing Documents. Ron Alles reported the Chairman has been given the authority to sign all closing documents. The loan-closing document is in the amount of \$81,996 for the purchase of a Search and Rescue vehicle.

Department of Commerce (Board of Investments) Intercap Loan Application. Ron Alles reported the loan application is in the amount of \$199,900 for permanent bleachers at the Lewis and Clark County Fairgrounds. Staff recommended approval. Commissioner Murray moved that the Commission approve the Intercap loan and authorized the Chair to sign all the appropriate documents. Commissioner Varone seconded the motion and it carried unanimously.

Health Department Contract-WQPD/DEQ. Ron Alles reported that this is an extension of an existing contract. One of the property owners is ill and the extension is needed to complete the inventory of the Helena Area Wetlands that was authorized and approved in 1998-1999 with the original grant application. Staff recommends approval of a six-month extension to December 31, 2001. Commissioner Varone moved that the Commission grant a six-month extension of the contract and authorized the Chair to sign the contract. Commissioner Murray seconded the motion and it carried unanimously.

City of Helena, 2001-2002 Fire Protection Agreement/Fairgrounds. Ron Alles reported that this is an update of the existing contract with the City of Helena to provide fire protection for the fairgrounds. Staff recommended approval of the agreement. Commissioner Murray moved that the Commission table the agreement to Thursday, September 6, 2001 to allow staff to review the evaluation with the city to see if the bleachers have been removed from the value. Commissioner Varone seconded the motion and it carried unanimously.

City of Helena, 2001-2002 Fire Protection Agreement/Westside FSA. Ron Alles reported that the amount of \$91,581 was agreed to between Lewis and Clark County and the City of Helena for fire protection for the Westside FSA. Commissioner Murray moved that the Commission approve the contract with the City of Helena in the amount of \$91,581. Commissioner Varone seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 10:40 a.m.